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April 28, 2025

Hon. Denise L. Cote
United States District Judge
United States Court House for the Southern District of New York
500 Pearl St # 1040
New York, NY 10007

RE: Case 1:24-cv-04336-DLC Interstate Management Company, LLC v.
510 W42 Hotel Operating, LLC

Dear Judge Cote:

This firm represents Plaintiff Interstate Management Company, LLC ("Interstate") in the above-referenced matter. Please accept this correspondence as an update concerning Interstate's jurisdictional discovery to establish diversity jurisdiction, per the Court's order in this case.

Following jurisdictional discovery, and after reviewing the responses to the subpoenas that Interstate issued, Interstate has determined that complete diversity does not exist in this matter as one of the entities with an ownership interest in Defendant is an individual domiciled in the State of Texas.

Interstate therefore respectfully requests that the Court enter an appropriate order dismissing this matter **without prejudice** so that Interstate may refile in the appropriate forum. *See, e.g., Pereira v. Town of North Hempstead*, 682 F.Supp.3d 234, 248 n.16 (E.D.N.Y. 2023) ("[D]ismissal for lack of subject matter jurisdiction must be without prejudice.") (citation and quotation omitted)

Interstate and the undersigned counsel sincerely thanks the Court for its involvement in this matter.

*Granted. This action is dismissed
without prejudice. Denise Cote
4/29/25
(via CM/ECF)*

cc: All Counsel of Record

Respectfully submitted,

Shane P. Simon

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